

10/033,241

-34-

00394.US1  
PC26876REMARKS

Claims 1-19 and 23-26 remain in the application.

Claims 1-6, 9, 10 and 13-26 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specifically, the term “prodrugs” appears in the second from last line of claim 1. Applicant has deleted this occurrence thereby overcoming the rejection of 35 U.S.C. § 112, first paragraph.

Claims 9, 13-19 and 23-26 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, claim 9 was objected to as the “m” which appears in the definition of the isotope “<sup>99m</sup>Tc” was held to be vague and indefinite. Applicant submits that the nomenclature for this isotope of Technetium is well known to those of ordinary skill in the art. The “m” defines the metastable “isomeric” state of nuclei. Applicant also, submits herewith page 365 of *Grant And Hackh's Chemical Dictionary 5<sup>th</sup> Edition*, wherein the prefix “m” in the case of isotopes is used to designate the metastable condition. Accordingly, Applicant respectfully submits that claim 9 is not vague nor indefinite and request that the rejection of claim 9 under 35 U.S.C. § 112, second paragraph, be removed.

Claim 13 stands rejected as the second occurrence of “post-traumatic stress disorder” was held to be allegedly vague and indefinite. Applicant has deleted this occurrence.

Claim 13 was also rejected for the second occurrence of “psychotic disorder”. Applicant respectfully submits that the first occurrence on line 9 of claim 13 corresponds to psychotic symptoms of schizophrenia rather than a psychotic disorder which is defined in the fourth line from the bottom of claim 13. Accordingly, Applicant submits that the first occurrence of the term psychotic is different from that disclosed in the second occurrence. In claim 13, the second occurrence of “sleep disorder” was objected to. Applicant has deleted the second occurrence.

10/033,241

-35-

00394.US1  
PC26876

Claim 13 was also rejected as the phrase "such as" allegedly renders the claim in indefinite. Applicant has amended the claim to delete "such as" therefrom and inserted the word "including" in its place thereby rendering the claim clear and definite.

Claim 14 was rejected for the second occurrence of the term "post traumatic stress disorder". Applicant has deleted this occurrence from the claim. Claim 14 was objected to for the second occurrence of "psychotic disorder". Applicant respectfully submits that the first occurrence on line 9 of claim 14 corresponds to psychotic symptoms of schizophrenia rather than a psychotic disorder, which is defined in the fourth line from the bottom. Accordingly, Applicant submits that the first occurrence of the term psychotic is different from that disclosed in the second occurrence.

Claim 14 stands objected for the second occurrence of "sleep disorder". Applicant has deleted the second occurrence from the claim. Claim 14 was also rejected as the phrase "such as" allegedly renders the claim indefinite. Applicant has amended claim 14 to delete this language and has inserted the word "including" thereby overcoming the rejection.

Claim 17 was objected to as the limitation "eating disorders" was held to lack antecedent basis. Applicant has amended the claim to delete this phrase and have inserted therefor the specific diseases or disorders of anorexia nervosa and bulimia nervosa, which are supported in the specification.

Accordingly, Applicant respectfully submits that all of the rejections of the claims under 35 U.S.C. § 112, second paragraph, have been overcome.

Applicant acknowledges the statement in the office action that claims 7, 8, 11, and 12 are allowed.

10/033,241

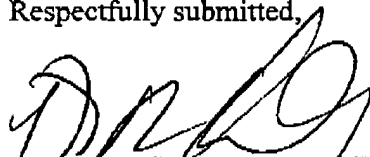
-36-

00394.US1  
PC26876

In view of the present amendment and foregoing remarks, reconsideration of the rejection and advance of the case to issue are respectfully requested.

The Commissioner is authorized to charge any fee or credit any overpayment in connection with the communication to our deposit account number 23-0455.

Respectfully submitted,

Dated: 2/22/05

David R. Kurlandsky  
Registration No. 41,505  
Warner-Lambert Company  
2800 Plymouth Road  
Ann Arbor, MI 48105  
Telephone: (734) 622-7304  
Facsimile: (734) 622-1553